

SEALED

United States District Court

MAY - 5 2015

CLERK, U.S. DISTRICT COURT
By TEXAS
DeputyNORTHERNDISTRICT OF**In the Matter of the Search of**

(Name, address or Brief description of person, property or premises to be searched)

Premises located at:
1909 West Park Avenue
Corsicana, Texas 75100
Navarro County**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

CASE NUMBER: 3:15-MJ- 297 BK

I Selwyn DeLoach being duly sworn depose and say:I am a(n) Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and
have reason to believe that on the person of or XX on the property or premises known as (name, description
and/or location)


(SEE ATTACHMENT A).

in the NORTHERN District of TEXAS there is now concealed a certain
person or property, namely (describe the person or property to be seized)

(SEE ATTACHMENT B).

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, and is,
otherwise, criminally possessed, **concerning a violation of Title 18 United States code, Section(s)
922(g)(5) and 922(a)(1)(A)**. The facts to support a finding of Probable Cause are as
follows:

(SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT SELWYN DELOACH).

Continued on the attached sheet and made a part hereof. XX Yes No

Signature of Affiant
SELWYN DELOACH
Special Agent, ATF

Sworn to before me, and subscribed in my presence

May 5, 2015

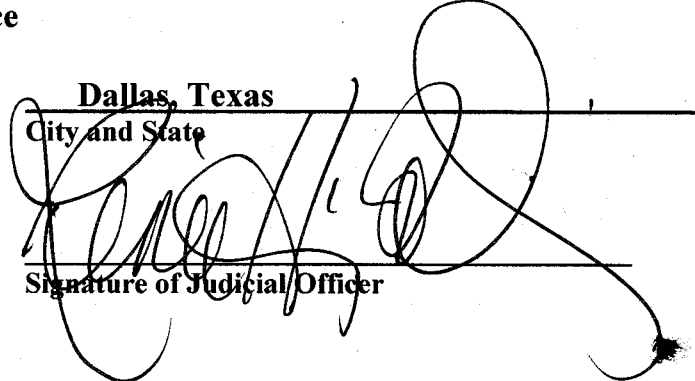
Date

at

Dallas, Texas

City and State

RENÉE HARRIS TOLIVER
United States Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A SEARCH WARRANT**

I, Selwyn DeLoach, having been duly sworn, do depose and state the following:

1. I am employed as a Special Agent by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) within the United States Department of Justice. I have training and experience investigating violations of federal law, including investigations of aliens illegally present in the United States unlawfully possessing firearms and selling firearms without a Federal Firearms License.
2. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws and know that it is a violation of 18 U.S.C. § 922(g)(5) for any person, who being an alien, is illegally or unlawfully in the United States; or except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))) to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which or ammunition which has been shipped or transported in interstate commerce.
3. I also know that it is a violation of 18 U.S.C. § 922(a)(1)(A) for any person except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.
4. I also know based upon training and experience, persons who are engaged in the business of dealing in firearms and persons who possess firearms, often keep said firearms for significant periods of time as these are tangible objects of value and prolonged use.
5. This affidavit is submitted in support of an application for a search warrant for the premises located at 1909 W. Park Avenue in Corsicana, Texas, which is in the Northern District of Texas. The premises is situated on the south side of W. Park Avenue, facing northwest, and has a beige and white one story single family dwelling with the numbers 1909 permanently affixed to a mailbox attached to the front of the residence. The premises is further described in Attachment A.
6. This affidavit is derived from both my personal knowledge and from information provided to me by other law enforcement agents. I further make this affidavit based on my participation in this investigation, including witness interviews by

myself and other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

7. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation. Rather, I have set forth only the facts I believe are necessary to establish probable cause to believe that evidence, fruits and instrumentalities of violations of 18 U.S.C. § 922(g)(5) and 18 U.S.C.

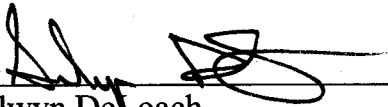
§ 922(a)(1)(A), as further described in Attachment B, will be found at the premises located at 1909 W. Park Avenue, Corsicana, Texas, Northern District of Texas.

BACKGROUND

8. On April 15, 2015, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent DeLoach was notified by Homeland Security Investigations Special Agent Jesse Woods about an individual selling firearms via online market sites associated with the website Facebook.com. The individual was identified by the online seller ID "Moralezzy Mario" and provided a phone number of 903-467-2067. HSI SA Woods determined the individual as having sold a number of firearms online.
9. HSI SA Woods determined the phone number 903-467-2067 was being used by Mario MORALES-CORTES (HM; DOB: XX/XX/1978). SA DeLoach conducted investigative research to further identify MORALES with limited success. SA Woods queried immigration databases and determined MORALES-CORTES to be a citizen and national of the Republic of Mexico. SA Wood further determined MORALES-CORTES is unlawfully present in the United States, as he does not possess any immigration documents allowing him to legally live, work, or remain in the United States. Immigration databases revealed MORALES-CORTES was granted a voluntary removal from the United States in 1997. SA DeLoach was advised by SA Woods that HSI has a current Certificate of Non-Existence issued by Homeland Security for Mario MORALES-CORTES.
10. SA Wood determined MORALES-CORTES is currently residing in a single family residential home located at 1909 W. Park Avenue in Corsicana, Texas, Northern District of Texas.
11. On May 5, 2015, ATF SA DeLoach and HSI SA Wood attempted to contact MORALES and interview him at his residence located at 1909 W. Park Avenue, Corsicana, Texas, Northern District of Texas regarding his involvement in the unlawful sale of firearms online. Upon arriving at the residence, SA DeLoach and

SA Wood observed the front door of the residence was open. SA DeLoach and SA Wood knocked on the door and announced their presence several times without any response from inside the residence.

12. SA DeLoach and SA Wood concluded that people do not normally leave the door to their residence open when no one is present. SA DeLoach and SA Wood were concerned for the well-being of anyone that may be inside the residence, and consequently entered the residence to verify no nefarious activity had occurred or was occurring. SA DeLoach and SA Wood searched the residence and determined no one was present.
13. During the course of their welfare check, SA DeLoach and SA Wood observed several items in plain view consistent with the presence of firearms at the residence. While conducting a search for people inside the residence, SA DeLoach and SA Wood could clearly see gun cases, a plastic ammunition box, and a magazine for an AR style firearm located in the main hallway closet and a large gun case in the front right bedroom.
14. For the foregoing reasons, I believe there is probable cause to believe MORALES-CORTES is currently in possession of firearms and ammunition in violation of Title 18 U.S.C. 922(g)(5). Accordingly, I respectfully request a warrant be issued to search for, and seize, the items listed in Attachment B for the location described in Attachment A.


Selwyn DeLoach
Special Agent
U.S. Department of Justice,
Bureau of Alcohol, Tobacco,
Firearms & Explosives

Sworn to and subscribed to me this 5th day of May, 2015.


RENEE HARRIS TOLIVER
United States Magistrate Judge

Attachment A

Items to be searched:

The premise to be searched is described as follows: A residence located at 1909 West Park Avenue, Corsicana, Texas 75100. The residence is a one-story, single family dwelling, bearing beige in color siding, and a white front door, covered by a white porch awning/ overhang with a black shingled roof. The residence is located within the county of Navarro, Texas, which is located within the Northern District of Texas.

Attachment B

1. Any and all firearms and firearms parts/ accessories to include; frames, receivers, triggers, slides, tension springs, firing pins, sights, gas tubes, magazines, cases, barrels, suppressors, silencers and bolts.
2. Any and all ammunition and ammunition components to include; bullets, shells, smokeless powders, black powders, primers and other explosive/ incendiary compounds.
3. Paperwork showing ownership and indicia of sale, purchase or possession of firearms.